IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. NO. 1007 OF 2006

DATE OF DECISION: January 08, 2007.

Parties Name

Surat Singh

..APPELLANT

VERSUS

Vikas Sood

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE BALDEV SINGH

PRESENT: Mr. Vikas Chaudhary,
Advocate, for the appellant.

Mr. Neeraj Khanna, Advocate;

JASBIR SINGH, J. (oral)

CM No. 3821-CII of 2006:

This application has been moved under Section 151 CPC for condonation of delay of 1022 days in refiling the appeal. Counsel for the parties heard. It is not in dispute that initially appeal was filed within limitation. Counsel states that when after raising some objection, the appeal was returned by the Registry, it mixed up with his admitted briefs and was located subsequent thereto and as such this delay has occurred. After hearing counsel for the parties, this application is allowed and delay of 1022 days in refiling the appeal is condoned.

FAO No. 1007 of 2006

The appellant suffered injuries in a motor accident on August 10, 1997. As per medical evidence on record, he had suffered a fracture of shaft and neck of left femur. Because of this, physical disability was assessed at 34%. It has come on record that the appellant was in service and

as per his own statement, he continued to get the salary and increments etc., as per schedule fixed in that regard. Keeping in view facts and circumstances of the case, we are of the view that ends of justice will be met if the Insurance Company is directed to pay an amount of Rs. 10,000/- more. Ordered accordingly. If the amount is not paid within one month from today, the appellant shall be entitled to get interest at the rate of 6% per annum, till realisation of that amount. Disposed of.

(Jasbir Singh)
Judge

(Baldev Singh)
Judge

January 08, 2007.
DKC